

**DIVISION OF CHILDREN AND FAMILY SERVICES**  
**ADMINISTRATIVE MEMO #9-2009**

**Date:** October 13, 2009

**To:** All Children and Family Services Staff

**From:** Edward H. Matney, Policy Section Administrator *Edward H. Matney*  
Division of Children and Family Services

**Approved By:** Todd L. Reckling, Director *Todd L. Reckling*  
Division of Children and Family Services

**Re:** Implementation of Legislative Bill 403 ("LB 403")

**Effective Date:** Immediately

**Duration:** Until Revised

**Contact:** See memo for specific contacts by unit.

**Purpose:** This memo will provide direction to CFS staff regarding verification of lawful presence and/or work eligibility pursuant to law.

**Introduction**

Effective October 1, 2009, Nebraska law required verification of (1) lawful presence in the United States for anyone receiving public benefits and (2) work-eligibility status for individuals or entities seeking public employment or employment under public contracts. This memo will provide direction to CFS staff regarding implementation of the law.

**Application of Law to the Division of Children and Family Services**

*Child Support Enforcement*

Because federal guidance indicates that the services that the Child Support Enforcement Unit provides are to be open to everyone, CFS will make no changes to current practices. Such direction provides state agencies with an exemption from verification (see § 4-108 of the *Revised Statutes of Nebraska*). Please direct specific questions about this unit to Byron Van Patten, Child Support Enforcement Program Administrator, at [byron.vanpatten@nebraska.gov](mailto:byron.vanpatten@nebraska.gov) or 402-471-7312.

### *Economic Assistance*

Because the programs within the Economic Assistance Unit are intertwined with federal programs, lawful presence in the United States is already a condition for eligibility. Verification of lawful presence, in accordance with LB 403, is still required. Generally, agencies are required to have potential public-benefits recipients complete an attestation form approved by the Department of Administrative Services ("DAS"). However, in the case of economic-assistance programs, the EA-117 application form requires applicants to certify as to citizenship or satisfactory immigration status. Please note that CFS is in the process of modifying the EA-117 to align the language more closely with that of the DAS form. Until that process is completed, CFS staff should continue to use the current EA-117.

As required by law, individuals who are non-citizen, qualified aliens must undergo additional verification via the Systematic Alien Verification for Entitlements Program, also known as "SAVE." The Economic Assistance Unit is currently using SAVE and will continue to do so. Please direct specific questions about this unit to Jill Schreck, Economic Assistance Administrator, at [jill.schreck@nebraska.gov](mailto:jill.schreck@nebraska.gov) or 402-471-9243.

### *Child Welfare and Juvenile Services*

With respect to programs within the Child Welfare Unit and the Office of Juvenile Services, an addendum accompanies this memo. The addendum contains a list of questions and answers for guidance. As a general rule, child-welfare and juvenile services focus on ensuring the health, safety, and well-being of children and families throughout the State of Nebraska. These services are also governed by court orders. Therefore, CFS will continue to provide services to children and families as required by court orders. Please direct specific questions about the Child Welfare Unit to Chris Hanus, Child Welfare Unit Administrator, at [chris.hanus@nebraska.gov](mailto:chris.hanus@nebraska.gov) or 402-471-9308. For questions about the Office of Juvenile Services, please contact Terri Nutzman, Office of Juvenile Services Administrator, at [terri.nutzman@nebraska.gov](mailto:terri.nutzman@nebraska.gov) or 402-471-8403.

### **Additional Information**

The DAS attestation form is available at:

[http://www.das.state.ne.us/lb403/attestation\\_form.pdf](http://www.das.state.ne.us/lb403/attestation_form.pdf)

DAS Director Castillo's memo regarding LB 403 implementation is available at:

[http://www.das.state.ne.us/lb403/abc\\_memo\\_lb403\\_implementation.pdf](http://www.das.state.ne.us/lb403/abc_memo_lb403_implementation.pdf)



ADDENDUM TO ADMINISTRATIVE MEMO #9-2009

**Questions and Answers – Child Welfare / Juvenile Services**

Question 1: Does the law impact adoption and guardianship subsidy agreements that are already in place?

Answer: No.

Question 2: Will the Department of Health and Human Services (“DHHS”) provide funding for efforts to obtain legal status or citizenship for a state ward?

Answer: No, DHHS cannot provide such funding. However, funding may be available through the home country’s consulate and/or non-profit agencies. Staff should make referrals accordingly.

Question 3: Under the law, what can DHHS do to determine if a child is safe and then provide safety?

Answer: When DHHS learns of a safety concern for a child, it will proceed in the same way it has in the past: DHHS will process the information and conduct a safety assessment.

Question 4: If DHHS learns during the assessment phase that all members of the family are unlawfully in the country, should DHHS suspend the assessment process?

Answer: No, the assessment must be completed.

Question 5: Will youth who are unlawfully in the country be refused entry to the Youth Rehabilitation and Treatment Centers?

Answer: No, DHHS is cognizant of the need to ensure the protection of the public, and DHHS will follow all court orders.